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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,603	12/08/2003	Kamel M. Shaheen	I-2-0490.IUS	4022
24374	7590	06/29/2006	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,603	<b>Applicant(s)</b> SHAHEEN, KAMEL M.	
	<b>Examiner</b> Shick C. Hom	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 4/14/06 have been fully considered but they are not persuasive.

In response to applicant's argument in page 10 line 6 to page 11 line 13 of the remarks that although IEEE 802-type wireless networking is not recited in the claim, the terms extended service set ESS distribution system DS, access router AR, wireless local area network WLAN and wireless wide area network WWAN refer particularly to IEEE 802-type wireless networks and that the prior art does not teach a mechanism for handoff of a STA between different ESSs is not persuasive, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In page 11 line 14 to page 12 line 18 of the remarks, applicant argued that Kuehnel is directed to ATM systems and has nothing to do with IEEE 802-type wireless networks and that the terms ESS, DS, AR, WLAN, WWAN are not found are not persuasive because col. 5 lines 34-55 recite the use of IEEE 802-type

Art Unit: 2616

algorithm for time calculation; col. 2 line 66 to col. 3 line 12; and col. 3 line 55 to col. 4 line 4 recite the wireless network including mobile terminal and handover from one access point to another access point and network elements for performing routing clearly anticipate the IEEE 802-type wireless networks and reads on the terms ESS, DS, AR, WLAN, WWAN, since an ESS is merely one or more interconnected basic service set BSSs and integrated local area networks LANs that appear as a single BSS and wherein a BSS is merely the coverage of one Access Point, i.e. a BSS consists of one STA and one Access Point (AP).

In response to applicant's argument in page 12 line 19 to page 13 line 15 of the remarks that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the mobile terminal STA detecting a lost connection and initiates further action) are not clearly recited in the rejected claim(s); i.e. no step of detecting lost connection have been recited; the claims merely recite the terminal responsive to the loss of a connection. Further, col. 12 lines 43-45 recite a detector in said mobile terminal for detecting disconnection of communication; and the abstract recite handover being initiated by the mobile terminal. Although the claims are interpreted in

Art Unit: 2616

light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuehnel et al. (5,907,542).

Regarding claims 16, 20, 24, 28-29:

Kuehnel et al. disclose a method for handoff of a wireless terminal from a first access point (AP) associated with a first access router (AR) in a first extended service set (ESS) to a second AP associated with a second AR in a second ESS, comprising: the terminal, responsive to the loss of a connection with the first AP, scanning for another connection, finding the second AP, retrieving information from the second AP, determining that the second AP is different from the first AP

Art Unit: 2616

(see abstract and col. 2 line 66 to col. 3 line 12 which recite detecting loss connection, the mobile terminal initiating registration or handover from one access point to another including the exchanging of messages during the handover protocol clearly anticipate the method for handoff of wireless terminal from the first access point to the second access point including response to loss of connection and retrieving and exchanging information); the terminal transmitting a reassociation message to the second AP; the second AP receiving the reassociation message from the terminal and sending to the terminal a reassociation success message; the terminal, after the receipt of the reassociation success message, initiating a handoff procedure and providing to the second AP information regarding the first AR, which the second AP then provides to the second AR; the second AR, responsive to receiving the information regarding the first AR from the second AP, contacting the first AR; the first AR, responsive to being contacted by the second AR, rerouting traffic for the terminal to the second AR; and the second AR reestablishing a session between the terminal and the second AP (see col. 5 lines 13 to col. 6 line 18 which describes the registration processing for associating the terminal to the access point including the transmission of a confirmation message whereby registration may

Art Unit: 2616

be combined with authentication and accounting clearly reads on the reassociation success message and col. 6 lines 19-56 which describes the handover process requiring a re-registration due to loss of carrier and the exchange of control information through the existing access point with the terminal being associated clearly reads on transmitting and receiving reassociation message and initiating a handoff procedure for switching to the new access point).

Regarding claims 17, 21, 25:

Kuehnel et al. disclose the reassociation message includes identifiers of the first AP, the second AP and the first ESS (col. 5 line 56 to col. 6 line 18 recite identifiers being transmitted as part of the request message during registration reads on the identifiers of the reassociation message).

Regarding claims 18-19, 22-23, 26-27:

Kuehnel et al. disclose a distribution system in the second ESS failing to recognize the first AP; the reassociation success message indicating to the terminal that the first AP was not recognized; and the terminal initiating the handoff procedure in response to receiving the reassociation success message as in claims 18, 22, 26; and the step of releasing resources that had been used and/or reserved for the use of the terminal as in

Art Unit: 2616

claims 19, 23, 27 (col. 6 lines 57 to col. 7 line 26 recites re-issuing another handover request if the request has failed and sending a message to determine which AP the terminal is attached to and the step of freeing pending connections).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C.



Art Unit: 2616

Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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